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OFFICE OF PETITIONS

In re Application of	:	
Brown, et al.	:	
Application No. 09/915,995	:	ON PETITION
Filed: July 26, 2001	:	
Attorney Docket No. AUS920010397US1	:	

This is a decision on the petition under 37 CFR 1.181, filed October 20, 2005, requesting that the Office withdraw the holding of abandonment of the above-identified application.

The petition under 37 CFR 1.181 is **DISMISSED**.

Any further petition to revive the above-identified application must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. This is **not** final agency action within the meaning of 5 U.S.C. § 704.

This application was held abandoned for failure to submit the issue fee, the publication fee, and a completed PTOL-85b within three months of the mailing of the April 27, 2005 Notice of Allowance and Fee(s) Due. The application became abandoned on July 28, 2005. A Notice of Abandonment was mailed on September 21, 2005.

It is noted that the Notice of Allowability allowed only claims 1-28 and was silent as to claims 29-59, also present in the application. Petitioners contacted the examiner of record on June 5, 2005 and informed him of the situation. Petitioners assert the application is not abandoned because the examiner of record stated in the June 8, 2005 Interview Summary that he would reopen the application and examine all the pending claims.

Examiner Meky stated on the record that he would ~~re~~reopen prosecution, but unfortunately, he did not do so prior to July 27, 2005. The Office did not withdraw the requirements listed in the Notice of Allowance and Fee(s) Due. Applicants did not satisfy the requirements listed in the Notice of Allowance and Fee(s) Due. The application did become abandoned.

Petitioners are strongly encouraged to file a petition to revive under the unavoidable standard of 37 CFR 1.137(a).

Further correspondence with respect to this matter should be addressed as follows:

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Telephone inquiries pertaining to this decision may be directed to the undersigned at (571) 272-3230.



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